IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1534 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/09/2003 in WP NO : 17944 OF 2003 on the file of the High Court.)

Between:

The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad

..... APPELLANT

AND

Dr.K.Sreemannarayana, S/o Venkayya,
R/o 91/2, Vivekananda Nagar, Kukatpally, Ranga Reddy District

.....RESPONDENT

Counsel for the Appellant:GP FOR ASSIGNMENT

Counsel for the Respondent : MR.A.V.SESHA SAI

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

Writ petition was disposed of by the learned single judge at the admission stage without even giving an opportunity to the appellant to file counter affidavit and to rebut what was stated in the writ petition. Such practice of disposing of writ petitions, more particularly, when proceedings under the Urban Land Ceiling Act are pending with the authorities under the Act, will not be adopted. It is fundamental principle of law that adequate opportunity must be allowed to the opposite party to at least bring on record its version as regards the claim of the writ petitioner.

The writ petition came up for the first time before the Court on 27.8.2003. Name of the Government Pleader for Assignments was not shown in the list, which was ordered to be printed. When on 29.8.2003, it came up before the learned single judge, it was directed to be posted to 1st September, 2003. Then on 2.9.2003, the writ petition was allowed by the order impugned in this appeal. Even accepting the version of writ petitioner that there was discrimination on the part of the respondents in not issuing No Objection Certificate to him, the learned single judge ought not to have recorded any finding on this aspect.

The order under appeal being bad in law is set aside. The appeal is allowed. The writ petition be listed for admission before the learned single judge after Dasara Vacation.

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DEVINDER GUPTA, CJ

Date: 7th October, 2004

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C.V.RAMULU,J

Pnb

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the Seventh day of Two Thousand Four,

To

1. The Special Officer and Competent Authority, Urban Land Ceilings, Hyderabad.
2. Two CCs to the G.P. for Assignments, High court Buildings, Hyderabad. (OUT)

3. 2 CD copies